

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

RAUL VASQUEZ,)	
)	
Plaintiff,)	
)	
vs.)	Civil Action No. 08-CV-1847
)	
JAMES J. STANDLEY ATTORNEY AT LAW,)	Judge Guzman
)	
Defendant.)	

MOTION TO DEFAULT

NOW COMES the Plaintiff, RAUL VASQUEZ, by and through his attorneys, LARRY P. SMITH & ASSOCIATES, LTD., and hereby moves this Honorable Court to hold the Defendant, JAMES J. STANDLEY ATTORNEY AT LAW, ("Defendant"), in default for its failure to appear, answer, or otherwise plead. In support thereof, Plaintiff states as follows:

1. Defendant was served on July 26, 2008. (See copy of return of service, attached hereto and marked as Exhibit "A").
2. An answer was due on or before August 26, 2008.
3. After a complete review of the court file and court computer, the Defendant has failed to either appear, answer, or otherwise plead.

WHEREFORE, Plaintiff, RAUL VASQUEZ, moves this Honorable Court to enter an order defaulting Defendant, JAMES J. STANDLEY ATTORNEY AT LAW.

Respectfully Submitted,
RAUL VASQUEZ

By: /s/ Larry P. Smith
Attorney for Plaintiff

LARRY P. SMITH & ASSOCIATES, LTD
Attorneys for Plaintiff
205 N. Michigan Ave. 40th Floor
Chicago, Illinois 60601
(312) 222-9028

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JAMES J. STANDLEY ATTORNEY AT LAW,)	Judge Guzman
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Defendant.)	

AFFIDAVIT

I, Attorney for Plaintiff, in this cause do hereby certify that on September 3, 2008, I checked the Court file for this case, and on September 3, 2008, I checked the court docket for this case.

I further certify the proof of service of summons that the following parties have been served on the dates indicated as follows:

PARTY*	DATE OF SERVICE
JAMES J. STANDLEY ATTORNEY AT LAW	July 26, 2008

I further certify that the only appearances filed of record, were for the following persons and on the dates shown herein:

PARTY*	DATE OF APPEARANCE
JAMES J. STANDLEY ATTORNEY AT LAW	NONE

and that all other parties to this cause have failed to file their appearance.

Respectfully Submitted,

By: /s/ Larry P. Smith
Attorney for Plaintiff

LARRY P. SMITH & ASSOCIATES, LTD
Attorneys for Plaintiff
205 N. Michigan Ave. 40th Floor
Chicago, Illinois 60601
(312) 222-9028

EXHIBIT A

AO 440 (Rev. 05/00) Summons in a Civil Action

RETURN OF SERVICE

Service of the Summons and complaint was made by me ⁽¹⁾	DATE <u>26 July 08</u>
NAME OF SERVER (PRINT) <u>Emanuel Najee-ullah</u>	TITLE

Check one box below to indicate appropriate method of service

☒ Served personally upon the defendant. Place where served: _____6003 Miller St, Arvada, Co 8004☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left: _____


☐ Returned unexecuted: _____☐ Other (specify): _____

STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on 26 July 08
DateSignature of Server 
7421 S Telluride Ct.
Address of Server Centennial, Co 80014

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.